



# MONTHLY HIGHLIGHTS

NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION

**March 2001**

**GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

## **KENDALL SQUARE STATION UPGRADES**

NMFS discussed an application for upgrades to the Kendall Square Station power plant located on the Charles River in Cambridge, MA, with other state and federal agencies on March 14. The plant is proposing to add an advanced natural gas and distillate fired combustion turbine generator to its three steam turbine generators. The additional power generation will result in increased thermal impacts in the Charles River basin, which is the recipient of a number of other heated effluents in addition to impacts from flow altering locks and dams. The Charles is also renowned for one of the best blueback herring runs in the state of Massachusetts. All agency representatives expressed concern about the added thermal effluent and its potential impact on anadromous resources. Applicant analyses appeared to be incomplete, and additional analyses will be requested. **(Dianne Stephan 978/ 281-9397 or Eric Hutchins 978/ 281-9313)**

## **SCALLOP FRAMEWORK 14**

The Habitat Conservation Division (HCD) coordinated with the New England Fishery Management Council and NMFS' Sustainable Fisheries Division to minimize habitat impacts under Framework 14 on the Atlantic Sea Scallop Fishery Management Plan and prepare an EIS for the action, and conducted an EFH consultation. The main purpose of the framework was to adjust the annual days-at-sea (DAS) allocation for the scallop fleet and implement a controlled access program for areas in the mid-Atlantic that are currently closed to scallop fishing. The area access program uses a DAS tradeoff for access to areas in which scallop stock has rebuilt as leverage to reduce overall fishing effort. For every trip into the closed area that lasts less than ten DAS, a vessel must surrender ten DAS. Vessels fishing in the these areas are only allowed a total of three trips per year, and must abide by trip catch limits. The council also considered additional closed areas to protect juvenile scallops until they recruit to the fishery, but chose not to implement any of the considered options. The framework is expected to result in reduced impacts on habitat, since it will focus effort in the newly opened mid-Atlantic areas that are comprised of less sensitive habitat types. HCD recommended that the Council proceed with development of Amendment 10, which is expected to implement a rotational area management system that will incorporate consideration of areas based on habitat sensitivity. **(Dianne Stephan, 978/ 281-9397)**

## **FISHING CAPACITY REDUCTION PROGRAM**

On April 3, a Federal Register Notice was published announcing the \$10-million initiative to compensate fishermen who voluntarily surrender their northeast limited access multispecies permits. The notice seeks public comment on a plan to solicit and rank bids based on vessel baseline characteristics (length overall, horsepower, and tonnage) and announces a series of public meetings from Toms River to Ellsworth in May. The notice can be found at <http://www.nero.nmfs.gov/ro/doc/com.htm> and the letter to permit holders is at <http://www.nero.nmfs.gov/ro/doc/nr.htm>. (Dan Morris, 978/ 281-9237)

## **JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732**

### **FEDERAL NAVIGATION PROJECTS**

HCD staff completed essential fish habitat (EFH) consultation for two federal navigation projects proposed for New Jersey waters. The New York District Army Corps of Engineers (ACOE) is planning to maintenance dredge the Port Elizabeth Pierhead Channel and the Perth Amboy Anchorage and Ward Point Bend of the New York and New Jersey Channels this year. The EFH assessments were well prepared and comprehensive, particularly the assessment completed for the Port Elizabeth project. In each case, the ACOE has scheduled the project to avoid sensitive life stages of federally managed species, and to minimize impacts to EFH. Based upon the information contained in the assessment and the ACOE's careful planning, no conservation recommendations were necessary. (Karen Greene, 732/ 872-3023)

### **NATURAL RESOURCES DEFENSE COUNCIL FREEDOM OF INFORMATION ACT REQUEST**

HCD responded to a Freedom of Information Act request from the Natural Resources Defense Council (NRDC). NRDC was seeking information on both state and federal permit applications reviewed by NMFS during 1995, 1996, and 1997. Of particular concern were projects along the Atlantic coast of New Jersey, the South Shore of Long Island, and the New York-New Jersey Harbor area that involved wetland fills. (Karen Greene, 732/ 872-3023 or Diane Rusanowsky, 203/ 579-7004)

### **DOCKS IN SHELLFISH BEDS**

Proposals to construct residential docks in shellfish beds continues to be an issue of concern, with a number of applications outstanding. HCD is working with the Philadelphia District (ACOE) to modify an existing General Permit to allow the construction of docks in shellfish beds in New Jersey provided non-polluting materials are used, boat lifts are required, and the number of boat moorings are limited. Work on this continues as we wait for the completion of an essential fish habitat assessment by the ACOE. In the meantime, pending proposals are still being processed, and we continue to work with the ACOE to minimize the impacts of those projects. (Karen Greene, 732/ 872-3023 or Anita Riportella, 732/ 872-3116)

## **WEEKS MARINE SAND MINING APPLICATION**

Another company has requested authorization to mine sand from the Sandy Hook Federal Navigation Channel in the Atlantic Ocean offshore of Monmouth County, New Jersey. Weeks Marine, Inc. has requested a permit to remove 2.5 million cubic yards of sand from the channel over the next ten years with a hopper dredge. The depth of a portion of the channel would be deepened to 45 feet below mean low water and the channel would be widened by 200 feet. Amboy Aggregates already has a permit for the work but has experienced significant problems due to possibly live ordnance in the channel. The permit for Amboy Aggregates was issued prior to the designation of essential fish habitat (EFH) in the project area. HCD recommended to the ACOE the permit be denied until additional information is provided to address endangered species concerns and until an EFH consultation is completed. **(Karen Greene, 732/ 872-3023)**

## **DELAWARE BASIN FISHERIES**

Stan Gorski attended the annual Delaware Basin Fisheries Policy Committee meeting on March 7 held at the John Heinz NWR in Philadelphia, PA. Following tradition, Policy and Technical Committee chairs were passed from NMFS to the Pennsylvania Fish and Boating Commission. The Policy Committee also approved resolutions to undertake an American shad population estimate, and directed the Technical Committee to revise the seasonal restrictions window for dredging. **(Stan Gorski, 732/ 872-3037)**

## **HOME PORT ALLIANCE**

The *USS New Jersey* will be docked at the Camden waterfront as a floating museum, and the construction of the support facilities and the dredging associated with the mooring was permitted by the ACOE and the state of New Jersey two years ago. Because pile driving has the potential to disrupt migration and spawning behavior of anadromous fishes (American shad, for example), habitat staff recommended seasonal restrictions on pile driving and dredging. The state is considering a modification of the restriction on the pile driving because of the difficulty of determining the impacts due to sound pressure waves on fishes in specific situations for various species. The state permit may include the requirement to perform extensive monitoring studies to track fish responses to the sound generated by the pile driving and the frequencies and decibels at which the fish react. NMFS is reviewing the information provided by the applicant, current research, and five years of hydroacoustic shad population studies during spring migration in the Delaware River, in order to provide further conservation recommendations. **(Anita.Riportella@noaa.gov, 732/ 872-3116)**

## **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

## **EFH NOTES FROM THE NEW YORK METROPOLITAN AREA**

The development of standardized Essential Fish Habitat Conservation Recommendations for New York Harbor has been significantly advanced and improved during the past six months. The States of New York and New Jersey have joined in partnership with Project Proponents, the New York District, ACOE and NMFS to develop specific recommendations that are being used

for ongoing or soon to be implemented Federal Navigation Projects throughout the Harbor. Portions of the Harbor receiving the most attention are included in the 50-foot channel deepening project. The 50-foot channel project will involve some 31 nautical miles of channels being improved to allow safe navigation by the newest class of container ships. Because the channel materials range from silt and clay to igneous rock, the mix of deepening devices represents a further complication to the discussions. However, it appears that the projects can be designed and contracted in such a way as to minimize their environmental impacts without unduly protracting the activities. Because there is so much dredging underway in New York Harbor, we have been able to gather information and apply it to projects that are ongoing in the principal channels. Blasting in the Kill Van Kull (between Bayonne, NJ, and Staten Island) has shown that concussion impacts can be minimized by sizing charges and using time delays in the detonation event, all without excessive complications of the rock removal schedule. Dredging of the Port Jersey Channel has been undertaken after a sequential dredging scenario was embraced by all parties. The schedule avoids broad dispersion of resuspended sediments during the winter flounder spawning period by having the dredges work in confined and isolated berthing areas during the most sensitive time. The Port Jersey project appears headed for completion with virtually no extension of the dredging schedule. The coordination efforts used in New York embraces the positive attributes encouraged by the National Resources Council meeting regarding seasonal constraints held earlier this month. **(Michael Ludwig or Diane Rusanowsky, 203/ 579-7004; or Karen Greene, 732/ 872-3039)**

#### **TRANSENERGIE CABLE DENIED CROSSING THROUGH OYSTER BEDS**

The deregulation and economics associated with bringing new sources of energy into the Northeast have made utility and power generation applications a very significant component of the workload in the Milford Field Office. Also, the applications have created some unusual partnerships as we embrace a much broader spectrum of coordination forums. In a recent case, NMFS was called upon by the State Attorney General of Connecticut to support their opposition to a proposed cable by TransEnergie U.S. The cable was proposed to be buried under some of Connecticut's preeminent Eastern oyster spawning grounds in New Haven Harbor. NMFS had expressed grave reservations about the consequences of jetting a bundle of cables into a sea floor composed of very fine grained sediments. To insure appreciation of the situation, we undertook extensive coordination with the shellfish bed leasers, project proponents, State regulators and NGO environmental groups. Curiously, as the evaluation proceeded, NMFS found itself allied with a dwindling group of opposition as legal costs and politics took their toll of the original opposing parties. It fell to the Connecticut Siting Council to reject the proposal based on a determination that the project lacked sufficient benefits for the residents of State. NMFS involvement at the very early stages of the project evaluation saved us from a much more complicated and protracted commitment. **(Michael Ludwig, 203/ 579-7004)**

#### **MILLENNIUM PIPELINE EFH ASSESSMENT**

The Millennium Pipeline proposal to bring Canadian natural gas across Lake Erie and the Hudson River to Westchester County represents the counterpoint to the TransEnergie US experience. In this latter case, NMFS has entered into protracted disagreement with the proponents through both the Federal Energy Regulatory Commission and ACOE regulatory procedures. NEPA evaluations, Public Notice responses, EFH and ESA consultations, and regular briefings of

counterparts at both the state and federal resource agencies have consumed an inordinate amount of time without advancing a resolution of the issues or project. NMFS remains opposed to a number of project elements but has focused on the alignment and open trench placement components of the Hudson River crossing at Haverstraw Bay, New York. The proposed alignment traverses a coastal fish and wildlife habitat designated under New York's Coastal Management Program. Experience with other utility crossings indicates that project installation would impair ecological conditions in the habitat. Consequently, NMFS has expressed its opposition to the project as a first tier argument (avoidance). The project proponents have couched their responses in minimization or mitigation (tier two and three) issues. Curiously, we have seen and approved a number of similar sized pipeline installations across the Hudson River. All have been in locations where the crossing was shorter, habitat disruption was less, and we were able to require less invasive and disorderly installation protocols. **(Diane Rusanowsky or Michael Ludwig, 203/ 579-7004)**

#### **McALLISTER POINT SITE REMEDIATION**

The Navy's cleanup of a portion of their holdings in the greater Newport, Rhode Island area has advanced to the implementation point. McAllister Point was used as a sanitary and mixed stream waste disposal site. A portion of the material discharged at the site has come to reside in the adjacent waters of Narragansett Bay. As a component of the site remediation, the Navy has committed itself to a dredging of the waterway area adjacent to the site. After a series of coordination meetings with the Navy and its consultants as well as our counterpart resource agencies, the EFH and ESA issues were characterized and quantified. The group then explored methods to minimize and mitigate the identified loss or degradation of habitats. This has led to a dredging project designed to localize the impacts and create a habitat restoration program that compensates for the anticipated disruptions of the EFH. The Navy and their consultants have risen to the challenges created by the McAllister Point remediation and it is NMFS's expectation that the project will be prosecuted in an environmentally sensitive manner with habitat recovery well underway by the completion of the work. **(Michael Ludwig, 203/ 579-7004)**

#### **CONTAINED DISPOSAL AREAS EYED FOR RHODE ISLAND NAVIGATION PROJECT**

The Providence River Federal Navigation Project maintenance dredging is heading into the final stages prior to project implementation. After more than twenty years of complicated negotiation and searching for a suitable disposal site, the State of Rhode Island and ACOE are on the verge of circulating the Final Environmental Impact Statement that is intended to address the remaining concerns and define two in-water disposal options that will protect public trust resources and afford ample area for the deposition of approximately four million cubic yards of accumulated sediment from within the channel and a number of private sector berthing facilities around Narragansett Bay. The disposal would require the creation of a Contained Aqueous Disposal Site (CADS). The excavation of a near shore pit with enough capacity to contain the material unsuitable for open water disposal is the main construction component of the proposal. CADS have become relatively well understood as the result of monitoring their use in Boston and New York Harbors. **(Michael Ludwig, 203/ 579-7004)**

**OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654**

**CRAB CREEK IMPROVEMENTS, L.L.C.**

A local community association has proposed dredging of Crab Creek, a tributary of the Lafayette River, in Norfolk, Virginia, to improve navigable access. The proposal would adversely impact approximately seven acres of shallow water habitat, two acres of intertidal mudflats, and 3,500 square feet of salt marsh. The impacts on the most environmentally important areas, such as mudflats and tidal marsh, would benefit a very limited number of shoreline owners. Based on past experiences of similar projects involving dredging in this type of silty, organic substrate, it is expected that the proposed dredging will adversely impact the adjacent mudflats and salt marsh by excessive slumping of the dredge cut side walls. Due to the extensive adverse impacts, we are recommending that ancillary channels impacting the mudflats and salt marshes be denied by the Norfolk District ACOE. We have not objected to the proposed dredging of the creek main stem and ancillary channels in open water. **(Rod Schwarm, 410/ 226-5771)**

**JAMES RIVER DREDGING WINDOW**

The Norfolk District ACOE Navigation Division has been conducting studies in an attempt to assess the potential adverse impacts on anadromous fish from dredging of the James River Federal Navigation Channel. The ACOE annually dredges portions of the James River to maintain the navigation channel. Over the past year, the ACOE and their consultants have been conducting fish sampling, side cast sonar studies of fish movement, turbidity studies, and zooplankton studies in an attempt to reduce or eliminate the environmental time of year restriction windows on the dredging to reduce the cost of the dredging. A state and federal resource agencies stakeholders meeting was held to review the studies and discuss the concerns and outstanding issues. The studies have provided some interesting information, but the agencies agreed that additional information is still needed to assess impacts on the full range of anadromous fishes and their early life stages. Additional meetings are planned to continue these discussions. **(Rod Schwarm, 410/ 226-5771)**